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11. (Amended) A computer-readable medium comprising program instructions for correlating processing data and image data in a digital imaging system, wherein said program instructions, when executed by a computer system coupled to said digital imaging system, cause said digital imaging system to implement the steps of:

- a) receiving said image data and said processing data using a capturing device;
- b) building a data cell with a manager device, wherein said data cell contains said processing data, and said processing data includes settings of said capturing device at image capture time;
- c) linking said data cell to said image data; and
- d) processing said image data using said processing data within said data cell, wherein said step d) can be performed while said capturing device is receiving additional data.

#### REMARKS

Applicants respectfully note that Claims remaining in the present CPA are Claims 1-15 and 37-42. Independent Claims 1, 5 and 11 have been amended herein. Applicants respectfully assert that Claims 1-15 and 37-42, as amended, overcome the cited art of record for the rationale discussed below and are therefore allowable under 35 U.S.C. § 102(e).

#### 35 U.S.C. § 102(e)

Claims 1-15 and 37-42 of the parent of the present CPA stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kuba et al., US Patent No. 5,806,072 (hereinafter Kuba). Applicants have reviewed the reference and, for the following

rationale, do not believe Claims 1-15 and 37-42, as amended, to be anticipated by the cited reference.

Applicants note that no new matter is introduced as a result of these preliminary claim amendments and that support is found within discussions of the parent (e.g., page 17, lines 1-4; Figures 9A and 9B; page 30, lines 3-11) of the present CPA.

#### Independent Claims 1, 6 and 11

Independent Claims 1, 6 and 11 are amended herein to clarify that the present invention involves a digital imaging system which is capable of receiving additional data while it is using processing data stored in the data cell to process image data that has been received previously. For example, Independent Claim 1, as amended, claims a novel digital imaging system for correlating processing data and image data, wherein the claimed limitations include: *building a data cell containing processing data which includes settings of the capturing device at image capture time, and using processing data that has been stored within the data cell to process captured image data while the capturing device can receive additional data at the same time that such image processing is under way.* In particular, Claim 1, as amended, recites in pertinent part the limitations:

1. A digital imaging system capable of correlating processing data and image data, said digital imaging system comprising:
  - a manager device ... for *building a data cell containing said processing data and for linking said data cell to said image data, wherein said processing data includes settings of said capturing device at image capture time; and*
  - a processing device ... for *processing said image data using said processing data within said data cell, wherein said capturing device is operable for receiving additional data while said processing of said image data is being performed.*

Applicants respectfully assert that while Kuba purports to illustrate an electronic imaging apparatus which stores image data in a hierarchical data storage structure such as a tree structure (e.g., col. 13, lines 36-50; Figures 4, 5 and 6), Kuba fails to teach or suggest storing "processing data" in a "data cell" which includes "settings" of the capturing device "at image capture time" to provide for correlation of image data and processing data and allow the capturing device to receive "additional data" in parallel to the processing of image data that has already been received, all of which are claimed limitations in Claims 1, 6 and 11 of the present CPA.

More specifically, Applicants understand Kuba to teach using a hierarchical data structure to facilitate the presentation of image information to a user within the typically limited display area of a portable imaging apparatus described therein (e.g., col. 2, lines 23-46). However, while embodiments of Kuba include an external input (Figures 75 and 83), a system control (Figure 83), and an image data file (Figure 87), Applicants do not understand Kuba to disclose or suggest storing "processing data" in a "data cell", and then "linking" the "data cell" to the "image data", so that the capturing device is "operable for receiving additional data" while the processing of image data received previously is being performed. Indeed, Applicants respectfully contend that Kuba does not disclose or suggest the claimed limitations of the instant claims because Kuba is primarily concerned with presenting image information in a readable manner in an imaging apparatus using a hierarchical data structure described therein, rather than providing a system for correlating processing data and image data, as is the case in the present claimed invention.

Conversely, as taught throughout the present application and as claimed, a manager device is used in the present invention for "building a data cell" containing processing data and for "linking" the data cell to the image data such that the processing data so stored in the data cell can be accessed in conjunction with the corresponding image data for performing image processing. Importantly, the processing data stored in the data cell includes settings of the capturing device at image capture time because, among other advantages, by saving the settings associated with a particular image at image capture time, the claimed invention enables the settings to be changed or adjusted for subsequent images, thereby allowing the capturing of successive images without waiting for the completion of processing of images captured previously (page 5, lines 15-19). This is in sharp contrast to the teaching in Kuba which contains information about how to organize and present the data in an imaging apparatus, but *not* about correlating image data and processing data using a data cell so as to enable the processing of stored image data and the capturing of additional data to occur in parallel, as is taught and claimed in the present CPA. Particularly, Applicants respectfully assert that the present invention as claimed is not anticipated by the discussion regarding the external input, the system control, and the image data file in Kuba.

Since the instant claim limitations and the advantageous results are not taught or suggested by Kuba, Applicants respectfully contend that the cited reference does not anticipate the present invention as claimed in Claims 1, 6 and 11 of the present CPA. As such, Applicants respectfully assert that independent Claims 1, 6 and 11 overcome the cited art of record and request the Examiner to review and approve Claims 1, 6 and 11 as amended.

Dependent Claims 2-5, 7-10, 12-15 and 37-42

Applicants respectfully assert that the subject matter of dependent Claims 2-5, 7-10, 12-15 and 37-42 of the present invention is not anticipated by Kuba, based on the same rationale discussed above for independent Claims 1, 6 and 11. Therefore, Applicants submit that Claims 2-5, 7-10, 12-15 and 37-42 are also allowable in view of the cited reference.

CONCLUSION

In view of the rationale presented above, Applicants respectfully submit that Claims 1-15 and 37-42, as amended, overcome the cited art of record and are therefore in condition for allowance under 35 U.S.C. §102(e). Applicants therefore earnestly solicit the Examiner to allow Claims 1-15 and 37-42.